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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,278	03/08/2001	Ari Juels	RSA-044 (7216/66)	6866

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/802,278	Applicant(s) JUELS, ARI	
	Examiner Pierre E. Elisca	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23 is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's response filed on 10/11/2005.
2. Claims 1-23 are pending.

ALLOWABLE SUBJECT MATTER

3. Claims 18-23 are allowed over the prior art of record.
4. The rejection to claims 1-17 under 35 U.S.C. 103 (a) as being unpatentable over Herz (U.S. Pat. No. 6,460,036) in view of Walker et al (U.S. Pat. No. 6,249,772) as set forth in the office action mailed on 5/11/2005 is maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Herz (U.S. Pat. No. 6,460,036) in view of Walker et al (U.S. Pat. No. 6,249,772).

As per claims 1, 3, 5-8, and 11 Herz substantially discloses a customized electronic identification of desirable objects, such as news articles, in an electronic media environment, and in particular to a system that automatically constructs both a target

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profile for each target object in the electronic media based (which is readable as Applicant's claimed invention wherein said a method for enabling targeted information retrieval while protecting consumer privacy) comprising:

providing a plurality of elements of information (see., abstract, specifically target objects, col 1, lines 18-43, col 6, lines 63-67, col 7, lines 1-12);

specifying a negotiant function designed to accept a plurality of elements of data associated an information request as output, said information request designating at least one element of information to present to the consumer from among a plurality of elements of information (see., col 39, lines 47-60, specifically wherein it is stated that in order to negotiate the release of user-specific information and credentials, server s4 may require server s2 to supply credentials proving that the user or consumer is entitled to the information requested, for example, proving that the user or consumer is a subscriber in good standing to a particular information service); and

distributing the negotiant function (see., col 39, lines 47-65, specifically wherein it is stated that proxy server s2 has sent a message to a server s4 and server s4 has created a response M2 to message M1 to be sent to the user).

Based on the interview conducted on 12/02/2004, Applicant's representative argued that the prior art of record (Herz 036") fails to disclose distributing the negotiation function to a consumer for execution by said consumer. Whereas in Herz the negotiation has been done by two servers S2 and S4 but not by the consumer. However, the Examiner has made an updated search and found new prior art (Walker et al 772"). Walker discloses a system/method wherein **a consumer negotiates a price**

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for a selected product, the consumer is assured that he will actually receive the product (see., abstract, col 10, lines 35-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the customized electronic identification of Herz by including the limitation detailed above as taught by Walker because this would allow consumer to significantly affect the price of the products of the manufacturer.

As per claim 2, Herz discloses the claimed method of receiving the information request from said consumer, said information request produced by the negotiant function (see., col 39, lines 47-65, specifically wherein it is stated that in order to negotiate the release of user-specific information and credentials, server s4 may require server s2 to supply credentials proving that the user or consumer is entitled to the information requested, for example, proving that the user is a subscriber in good standing to a particular information service);

transmitting the at least one element of information to the consumer in response to the information request (see., col 39, lines 47-65, specifically wherein it is stated that proxy server s2 has sent a message to a server s4 and server s4 has created a response M2 to message M1 to be sent to the user or consumer).

As per claim 4, Herz discloses the claimed method wherein said negotiant function is designed to accept a plurality of elements of data associated with a consumer as input

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(see., abstract, please note that plurality of elements or target objects, col 1, lines 18-43, col 6, lines 63-67, col 7, lines 1-12).

As per claims 9, 10, 12, 13, 14, 15, 16, and 17, Herz discloses the claimed method of encrypting the plurality of information requests; and aggregating a plurality of request pair v1 said plurality of request pair having a sequence, each of said plurality of request pairs comprising an encrypted information request and a consumer identifier (see., abstract, col 1, lines 18-43, specifically cryptographic based proxy server).

RESPONSE TO ARGUMENTS

7. Applicant's arguments filed on 10/11/2005 have been fully considered but they are not persuasive.

REMARKS

8. In response to Applicant's arguments, Applicant argues that the prior art of record (Herz and Walker) fail to disclose the recited feature:

a. " distributing any sort of function for performing the negotiation" or " a negotiation function being executed by a consumer". As discussed in the previous rejection, and hereby incorporated by reference, the cited reference (Walker) discloses a system/method wherein a consumer negotiates a price for a selected product, the consumer is assured that he will actually receive the product. Please note that the

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process of negotiating a product or price by a consumer is readable as a negotiation function being executed by a consumer (see., abstract, col 10, lines 35-45).

b. " Walker does not disclose a system/method wherein a consumer negotiates a price as the Examiner suggest". However, the Examiner respectfully disagrees with this assertion since Walker discloses this limitation in col 10, lines 35-45.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

Primary Patent Examiner

December 05, 2005